

REMARKS

The claims have been amended to particularly point out and distinctly claim embodiments of the disclosure. Support for the amendments is found throughout the specification, for example, at paragraphs 21, 28, 30-31 and 35-36 as well as Figs. 5, 6 and 8 of the specification. No new matter has been added. Entry of the amendments and reconsideration on the merits are respectfully requested.

The references of record fail to disclose or suggest the claimed embodiments.

U.S. Patent No. 6,463,304 to Smethers is directed to an application launcher for a two-way mobile communication device. (See Abstract). Referring to Fig. 1, Smethers discloses mobile device 100 having display screen 104 for displaying an image map 118. Soft-keys 108A and 108B as well as navigation group 112 enable the user to interact with the mobile device. Image map 118 includes a plurality of graphical symbols identifying the applications to which the navigation keys are assigned. Pressing a particular navigation key launches the desired application. See the paragraph bridging cols. 3 and 4 and col. 5, lines 49-61.

Smethers fails to teach or suggest a communication device configured to scan a plurality of channels to identify available channels much less disclose receiving an acknowledgement when the receiver identification code matches that of the transmitted identification code.

The secondary reference, U.S. Patent No. 6,163,680 to Bridle, fails to cure Smethers' deficiencies. Bridle is directed to a two-way mobile radio communication system. Referring to Fig. 4, the reference discloses radio 50 intending to communicating with portable radio 52, monitors and selects an available frequency, transmits a first message 51 to radio 52 which including a status of available channels and receives a second message 53 from radio 52 identifying the optimal channel for communication. See the paragraph bridging columns 4 and 5. Bridle also fails to teach or suggest, among others:

- "[A] controller to . . . receive acknowledgment information from a first of the plurality of transceivers in response to the first transceiver determining that the first identification code matches the first transceiver's unique transceiver identification code." (Independent claim 28, as amended herein.)
- "[A] processor to receive, from the first transceiver, a first acknowledgement information via at least one of the available primary channel or the available

secondary channel in response to the first transceiver determining the first transceiver identification code matches its transceiver identification code." (Independent claim 40, as amended herein.)

- "[A] first recipient transceiver having a unique recipient identification code and configured to receive the initiator identification code, the first transceiver identification code and the second transceiver identification code and automatically transmit, using one of the available primary or the secondary channels, the recipient identification code to the initiator transceiver when the first transceiver identification code matches its unique recipient identification code." (Independent claim 46, as amended herein.)

For at least these reasons, Applicant respectfully submits that independent claims 28, 40 and 46, and any claim depending therefrom, are patentable over Smethers and Bridle, whether taken individually or combined.

CONCLUSION

In view of the remarks above, it is respectfully submitted that all pending claims are in condition for allowance, and such action is earnestly solicited.

If the Examiner believes a telephone interview will assist in the prosecution of this application, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

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